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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,593	09/29/2003	Jeff C. Moriss	80107.042US1	4486
7590	03/09/2005		EXAMINER	
LeMoine Patent Services, PLLC c/o PortfolioIP P.O. Box 52050 Minneapolis, MN 55402			BHAT, ADITYA S	
			ART UNIT	PAPER NUMBER
				2863

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/674,593	MORRISS ET AL.	
	Examiner	Art Unit	
	Aditya S. Bhat	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-30 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 September 2003 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the figures 1-9 are handwritten and the labels on 10-12 are handwritten. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being anticipated by Deas et al. (USPUB 2003/0043900) in view of the ARRL handbook for radio amateurs

With regards to claim 1, Deas et al. (USPUB 2003/0043900) teaches a method of testing a receiver comprising driving a signal into a reference load; (figure 1) (page 4, paragraph 0057)

modifying the signal to achieve a characteristic eye pattern; (page 4, paragraph 0047)

With regards to claim 2-3, Deas et al. (USPUB 2003/0043900) teaches the characteristic eye pattern comprises an eye voltage or an eye time. (page 3, paragraph 0045)

With regards to claim 4, Deas et al. (USPUB 2003/0043900) teaches driving the signal into a reference load comprises modeling a driver and reference channel. (11,13,17,21,27,31 &35; figure 1)

Deas et al. (USPUB 2003/0043900) does not appear to teach "replacing the reference load with the receiver and verifying the receiver output"

The ARRL handbook for radio amateurs teaches "replacing the reference load with the receiver and verifying the receiver output" (Page 25-21, paragraph titled dummy antennas, lines 1-27)

It would've been obvious to one skilled in the art at the time of the invention to modify the Deas reference to include the step of "replacing the reference load with the receiver and verifying the receiver output" in order to test the receiver without picking up external noise and signals. (Page 25-21, paragraph titled dummy antennas, lines 11-12)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 5-27 are rejected under 35 U.S.C. 102(a) as being anticipated by Deas et al. (USPUB 2003/0043900).

With regards to claim 5, Deas et al. (USPUB 2003/0043900) teaches a method of testing a driver comprising driving a reference channel; (page 5, paragraph 0064) and measuring at least one parameter at an output of the reference channel. (Figure 1) (page 3, paragraph 0072)

With regards to claims 6, and 19 Deas et al. (USPUB 2003/0043900) teaches the method is performed by computer simulation. (Figure 4-7)

With regards to claims 7, and 21 Deas et al. (USPUB 2003/0043900) teaches the reference channel is specified by s-parameters. (figure 3)

With regards to claim 8, Deas et al. (USPUB 2003/0043900) teaches the reference channel is specified at least in part by a loss versus frequency characteristic. (see figure 6)

With regards to claim 9 and 10, Deas et al. (USPUB 2003/0043900) teaches the reference channel is further specified by a maximum delay and a minimum delay. (figures 6-7)

With regards to claims 11-12, 17-18, and 27 Deas et al. (USPUB 2003/0043900) teaches the characteristic eye pattern comprises an eye voltage or an eye time. (page 3, paragraph 0045)

With regards to claim 13, Deas et al. (USPUB 2003/0043900) teaches reference channel is specified at least in part by a delay versus frequency characteristic. . (see figure 2)

With regards to claim 14, Deas et al. (USPUB 2003/0043900) teaches a method comprising coupling a device under test to a reference channel and measuring at least one parameter at an output of the reference channel. (Figure 4-7)

With regards to claims 15, and 25, Deas et al. (USPUB 2003/0043900) teaches the device under test comprises a receiver. (see figure 1)

With regards to claims 16, and 26, Deas et al. (USPUB 2003/0043900) teaches the device under test comprises a driver. (1, device A ;figure 1)

With regards to claim 20, Deas et al. (USPUB 2003/0043900) teaches the reference channel is defined by a set of reference channel parameters. (Page 1, paragraph 0011)

With regards to claim 22, Deas et al. (USPUB 2003/0043900) teaches the set of reference channel parameters comprises a loss value. (figure 2)

With regards to claim 23, Deas et al. (USPUB 2003/0043900) teaches the set of reference channel parameters further comprises a delay value. (figure 5)

With regards to claim 24, Deas et al. (USPUB 2003/0043900) teaches an apparatus including a medium adapted to hold machine-accessible instructions that when accessed result in a machine performing:
coupling a device under test to a reference channel; (20;see figure 1) and measuring at least one parameter at an output of the reference channel. (figure 2)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Reise et al. (USPN 6,678,625)

With regards to claim 28, Reise et al. (USPN 6,678,625) teaches electronic system comprising:

a processor capable of simulating a circuit; (202;see figure 2) and
an SRAM storage medium accessible by the processor (Col. 4,line 58) , the storage medium to hold instructions that when accessed result in the processor performing
coupling a device under test to a reference channel; (Col.7, lines 61-63) and measuring at least one parameter at an output of the reference channel. (116; Figure 1)

With regards to claim 29, Reise et al. (USPN 6,678,625) teaches the device under test comprises a receiver. (Col. 5,lines 32-33)

With regards to claim 30, Reise et al. (USPN 6,678,625) teaches the device under test comprises a driver. (figure 6)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jungerman et al (USPN 6,701,269) teaches jitter measurement extrapolation and calibration for bit error ratio detection, Reise et al. (USPN 6,498,999)

teaches a method and apparatus for design verification of integrated circuit using a simulation test bench environment, Wu et al. (USPN 6,590,432) teaches a low-voltage differential driver with opened eye pattern, and Aulet (USPN 5,644,417) teaches a automated system and corresponding method for measuring transmitter data dependent jitter of electro-optic modules,

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
March 3, 2005



John Barlow
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